

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 30th day of June, 1998

Before:

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

Writ Petition No. 42137 of 1993

Smt. Radhamma,  
w/o late Annappa,  
No.278, Bakshi Gardens,  
Belimutt Road,  
Bangalore - 560 053

479

..Petitioner

(By Sri Y.S. Ramakrishna, Advocate)

-Vs-

The Corporation of City of  
Bangalore, J.C. Square,  
Bangalore - 560 002,  
represented by its Commissioner

..Respondent

(By Sri K.N.Puttegowda, Advocate)

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Writ Petition is filed praying to direct the respondent to Executive Sale deed or any other required document in favour of the petitioner selling site No.278, Bakshi Gardens Belimutt Road, Bangalore as approved by the State in its order dated 4-1-1993 as per Annexure-F after collecting the required money from the petitioner.

This writ petition coming on for preliminary hearing in 'B' Group this day, the Court made the following:-

O R D E R

The petitioner claims that her husband was an employee of the respondent and he had applied for allotment of site bearing No 278, situated at Bakshi Gardens, Bangalore, of which he was an unauthorised occupant for more than 20 years and wherein he had constructed a house. The petitioners claims that her husband died on 18-12-1985 and thereafter she applied for a job in the respondent-corporation and she was appointed as a pourakarmiki on 21-4-1986. She also filed an application to the respondent for allotment of the said site. According to petitioner, the Standing Committee on Taxation resolved at its meeting held on 23-8-1991 to allot the said site to the petitioner at the rate of Rs 2/- per sq yard, vide Annexure 'D'. She also claims that the respondent in its meeting held on 13-11-1991 considered the decision of the Taxation Committee and approved its decision to allot the said site to her, as per Annexure 'E'. Thereafter, the respondent sought approval of the State Government under Section 176 of the Karnataka Municipal Corporations Act, 1976 by letter dated 11-12-1991 and the State Government

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by its order dated 4-1-1993 {Annexure 'F'} approved the decision of the respondent. The petitioner claims that thereafter, she approached the respondent to receive the allotment price and execute the sale deed in her favour. It has not been done. Feeling aggrieved, the petitioner has filed this petition and sought a direction to the respondent to execute the sale deed and other documents in her favour conveying the said site.

2. The respondent has not denied the above facts. If the respondent has already passed a resolution for allotment of the said site in favour of petitioner and if the government has approved the same, what remains to be done by the corporation is to consider the application for grant of the site, <sup>and</sup> if there is no impediment for the grant, ~~and~~ grant the site and thereafter convey the site by receiving the price therefor. If there is any impediment for grant of the relief, the petitioner may be informed of the same, so that she can take further steps in the matter.

RMR

3. With these observations, this petition is disposed of. Compliance within six months from the date of receipt of this order.

Sd/-  
JUDGE

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